

C H A P. XI.

The Powers and Functions of the LORD MAYOR and CORPORATION of the City of LONDON, as applying to the Police of the River Thames and the Port of London.—Appointed Conservators of the River, by successive Charters.—The local extent of their Jurisdiction.—The deputy Water-Bailiff's Duty.—The inefficacy of the mode of proceeding by the Courts of Conservancy.—The Regulations of the Fishery, by Statutes, 9 Ann, cap. 26. 30 Geo. II. cap. 21. and 33 Geo. II. cap. 27.—The Advantages of summary Proceedings in small Offences.—Exclusive Jurisdiction of the Corporation, a Burthen to themselves and an Evil to the Community.—A General Review of the Specific Rights and Privileges of the Corporation, and of the Instances in which they have been exercised:—Observations thereon.—The continual Decrease in the Depth of the River, attributable to the want of a proper Responsibility attaching somewhere.—The Powers conferred, and the Duties imposed on the Corporation, by the WET-DOCK ACT, detailed and explained.—The Transit-Rates payable under that Act, to the Corporation.—The Control exercised by the Corporation, by virtue of several Charters, over certain classes of Labourers, and in the garbling, package, scavage, balliage, and portage of Goods, exported and imported:—As also respecting

respecting Carts:—Tackle-House Porters:—Ticket Porters;—and the Watermen's Company.—General Recapitulation of the various Functions and Duties of the Corporation.—Concluding Reflections.

KING RICHARD I. in the Eighth Year of his Reign, A. D. 1196, granted to the City of London a Charter, for which they paid him Fifteen Hundred Marks. This is the first Charter, by which the Corporation of London claims the Jurisdiction and Conservancy of the River Thames. As it did not prescribe any Bounds, or limit the Extent, over which the City was to take Cognizance, but transferred to the City, all the Right and Jurisdiction before then enjoyed by his Majesty's Keeper of the Tower; it was inferred, that the City's Right of Jurisdiction included the whole River, from its junction with the Sea Eastward, so far Westward as it is known by the name of the Thames. But, in consequence of the loose expressions of this grant, both the extent of the City's Jurisdiction, and the objects of their Power, were, from time to time, so much contested, particularly by the Keeper of the Tower, that it was found needful to explain and amend this Charter, by many others subsequent: In several of these, and for a long succession of time, the extent of the City's Jurisdiction on the River Thames, has been recited and admitted to extend from Colne Ditch, a little Westward

ward of *Staines Bridge*, to *Yendal* (sometimes called *Kendal*) *Yenland* or *Yenfleet*, East of London Bridge : The Stone which marks the Boundaries to the East, being not far from Upnor Castle. This Jurisdiction includes part of the River Medway, and its Cognizance extends to the removing all wears and other nuisances in the River ; and all encroachments by Buildings or Wharfs on the shores ; to preserve the Fisheries, and seize unlawful Nets ; and to punish the Fishermen offending against the Ordinances made for the Regulation of their Conduct by City Authority.

In order to execute the proper Orders enacted by this Authority, the Lord Mayor, for the time being, is by various Charters appointed to exercise and execute the Office of *Bailiff and Conservator of the Waters of Thames and Medway*, and of every Bank, Shore, and Wharf thereof, within the Port of London ; for which purpose he hath a deputy or substitute, by the name of the *Under or Deputy Water-Bailiff*, whose office is to discover and bring to punishment all Offenders as to any of these points.

It is the duty therefore, of this Officer, besides enforcing the Regulations respecting the Fishery, (on which more shall be said hereafter) to notice and report all encroachments on the River or its Banks, and all Nuisances and Annoyances, whereby the Navigation may be obstructed, or in any respect injured ;—such as throwing *Rubbish into the River*, *pitching Poles*, *erecting Wharfs*, *making Causeways* and

and Stairs, continuing or increasing Aytes, making or continuing Stages, erecting Walls, building Pot Galleries, planting Oziers, laying Mooring-Chains in the River,—and obstructing the Navigation, by laying Lighters and Craft in improper situations; and to receive instructions with respect to the Indictment of Offenders.

The Lord Mayor, for the time being, as Conservator of the River, has been accustomed to hold about eight Courts of Conservancy in the course of a year; that is to say, one or two for each of the four Counties of *Middlesex, Surrey, Kent, and Essex*. At the first of these Courts the Jury are sworn and charged; and at the second they present such Nuisances and Encroachments as they think fit, and try such Traverses as come before them. On conviction of Offenders, they are either fined, or imprisoned; or the Nuisances and Encroachments are ordered to be removed.

A very slight knowledge of the habits and practices of persons who support themselves as Labourers by the Trade of the River Thames, and of the multitude of Nuisances and Obstructions, which must naturally be expected, prove how inadequate such a System must necessarily be to the removal of these Evils. This is further obvious from the very few instances of punishment which have occurred in the course of the 18th Century.^(p) Had there existed

^(p) See Minutes of the Evidence before the Committee of the House of Commons, on the Wet Dock Bill, page 110.

a Police, adequate to the object, it is not too much to say, that if the convictions had corresponded with the Offences, they must have increased, at least, one thousand fold; but the truth is, that this ancient Court of Record is too circuitous in its procedure, and by no means adapted either to the present state of society, or to the object of preventing the evils which it was established to control. These have therefore, multiplied like other more atrocious offences in a ratio which is not to be conceived. For the purpose of repressing the evil by the conviction and punishment of offenders, a large circle is described, in order to accomplish an object which, by a summary jurisdiction (which applies peculiarly to offences of this nature) might be reached by a direct line; unincumbered by those formalities which, while they impose great hardships on the Subject and the City Magistrates, only tend to limit and reduce the rights of innocence, by extending the liberty of evil doers.

By a Statute of Queen Anne (9 *Ann.* c. 26, A. D. 1710) for the better preservation and improvement of the Fishery, in the River Thames, and for regulating the Fishermen of the said River; power was given to the Fishermen's [Fishmongers'] Company, to make Bye-laws, to prevent abuses in the Fishery; under the control of the Court of Lord Mayor and Aldermen: with a saving of all the rights of the City and of the Lord Mayor, as Conservator of the River.

It

It appears, that certain Bye-laws and Regulations were made accordingly ; but, that from the year 1727, the Company ceased to act, and few exertions of any kind were made on this subject, till the year 1757 ; in the beginning of which, the Court of Common Council presented a Petition to the House of Commons, setting forth this neglect, and praying that as the Office of Bailiff and Conservator of the Thames and Medway, had been vested in the Mayor, &c. of London, time out of mind, leave might be given to bring in a Bill for the more effectual preservation of the fry and spawn of Fish, in the River Thames, and Waters of Medway, for the better regulating the Fisheries thereof, and for the more speedy punishment of Offenders. An Act was in consequence passed (30 Geo. II. c. 21) which declared that the Lord Mayor and Aldermen of London should have full power, and they were required, to make Rules and Ordinances, for the governing and regulating all persons who should fish or drudge in the River Thames, and Waters of Medway, (within the jurisdiction of the Mayor of London, as Conservator of the said River and Waters) as common Fishermen or Drudgermen, or otherwise: and for declaring in what manner they should demean themselves in Fishing ; with what manner of Nets and Engines ; at what times and seasons they should use Fishing ; for ascertaining the assise of the severall Fish to be taken ; and for the preservation of the
spawn

spawn and fry of Fish, within the jurisdiction aforesaid. Also for obliging every common Fisherman or Drudgerman, to have his christian name and surname, and place of abode, painted in large and legible characters on his Boat : To annex reasonable penalties and forfeitures for the breach of such Rules, not exceeding 5l. for any one offence ; and from time to time, to alter and amend such Rules, and to make new ones, so as the same were allowed and approved of by the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal, the two Lords Chief Justices, and the Lord Chief Baron, or any two of them.

This Act was still farther enforced by the Stat. 33 Geo. II. c. 27. (of the penalties imposed by which, notice will be taken in a subsequent Chapter.) The execution of such parts of both these Acts, as relate to the sale of fresh Fish at Billingsgate, to the punishment of persons having unsizeable Fish, or Spawn, &c. and to the penalties against regrators or forestallers of Fish, is specially committed by the Act, to the *Under Water-Bailiff* of the City, and to certain other City Officers, called *Yeomen of the Waterside*. The last Rules and Ordinances made under these Acts, were confirmed by the Judges, and promulgated in 1785.

But however well intended all these Rules and Provisions might be, to guard against the abuses in the Fish Trade, it has been truly remarked by a valuable writer on the History of London (*Noorthouck*) that no accumulation of laws, or trials of schemes,

have been yet able to bring Fish to London, in quantities and prices answerable to its neighbourhood to the Sea. "One method (adds the same Author) yet remains to be tried; and this is to undo all that has been done; to throw the employment of catching and selling Fish entirely open, clear of all corporation restrictions whatsoever; beyond what may be necessary to preserve the spawn or fry, and to maintain an impartial freedom of sale."

It is worthy observation, that in the effect of these Acts of Parliament respecting the Fishery, is exemplified, not only the sense entertained of the advantages of a summary jurisdiction with respect to minor offences; but also the humanity of the system to the delinquents themselves, and its utility to the public, in reducing the number of this class of slight misdemeanors, many of which appear to be exclusively under the jurisdiction of the Conservators of the River, and therefore, not cognizable as other offences, by the respective Magistrates of the several Counties adjoining the River Thames and Medway.

Offences may therefore, be committed with impunity, since the jurisdiction only attaches once a year; before which time the culprit is probably not to be found, who too well knows the slow progress of justice, and the very feeble arm with which it wields the sword of punishment. Multitudes of Crimes are therefore repeated over and over again, which it is not possible for these respectable Magistrates who hold the jurisdiction, to repress; because the nature of the
the

the system will not permit them. However efficient it might have been in ancient times, when Commerce was in its infancy, without the means of seduction, by the numerous temptations which now exist, its motions are infinitely too slow to be useful in correcting the extensive corruption of morals which wealth, luxury, and other causes have introduced.

This exclusive jurisdiction is clearly established by two very ancient Statutes still in force,^(g) which, although they constitute a part of the general law of the land, and extend to four Counties, can only be carried into execution by the Chief Magistrate of the Metropolis. What would be the state of society if this laborious and troublesome privilege (irksome to the possessor and hurtful to the public) extended to all other offences in this extensive and populous district ?

It is to an unfortunate misconception, relative to

(g) By the Stat. of 4 Henry VII. chap. 15 ; the Mayor of London, having the Conservation of the River Thames, from the Bridge of Staines to the Waters of Yendall and Medway, shall have like authority in Breaches, Issues and Creeks, and Grounds overflown, as far as the Water ebbeth and floweth, as touching punishment for using unlawful Nets or Engines in Fishing, like as his predecessors had in the River Thames ; provided that the Lord Mayor of London have not the Conservation of the said Breaches and Grounds overflown within the King's grounds, or within franchises of any person.

By the Statute of the 27 Henry VIII. chap. 18.—If any person shall do, or procure any thing to be done to the annoyance of the stream of the River Thames, in making of Shelves, casting of Rubbish or Digging, &c. or take away any Boards, Stakes, Timber work, Pillars or other things, or dig or undermine Banks or Walls, &c. he shall forfeit 5*l*—one-half to the King, and one-half to the Mayor and Commonalty of London.

ancient privileges, and to the quick and rapid changes which take place in the superintendance of local jurisdictions, that many of the evils of the River are to be imputed, without attaching an atom of blame to the individuals. To the obsolete nature of the system, and to the circumstance of its being, in many respects, inapplicable to the present state of society, are these evils to be traced.

Hence the progressive accumulation of Mud, and other obstructions in the River, which have, within the last fifty years, reduced its depth so considerably.^(r) And hence, the difficulties which have occurred in promoting those improvements, which the state of society, and the extent and increase of Commerce and Navigation required.

Privileges (so considered) at one period in society, frequently become burdens in another. The result is, that the duties incumbent on those upon whom the privileges were conferred, are neglected. The calls of society however, require that they should be executed, and those whose interest is concerned in the execution, perhaps make the attempt in some shape or other. This is resisted as an infringement of ancient rights. Although these rights are burden-

(r) Mr. Lucas, in his examination before the Committee of the House of Commons, on the Wet-Dock Bill, 1st May, 1797, states the River between Deptford and Pelican Stairs, to be in a very bad state in many parts. That during his remembrance, there is less water by some feet in most of the tiers between London Bridge and Deptford. In some places four or five feet less water. In others one or two. He knows of no other steps taken to clear the River, than that of the Lighters belonging to the Trinity-house, raising Ballast, which are insufficient.

some to those whose province it is to move the machine; and although they are unwilling, from the unprofitable nature of the duty, to do it themselves, yet are they equally hostile to every attempt on the part of others to fill up the chasm. The result is, that many good things for the public and the country, are either postponed or totally omitted. Where the power rests, the measure will not be pursued; while the same power and influence operate in preventing the attempt being made by others. Mere matters of punctilio often stand in the way of great and beneficial arrangements, and minds thus deluded, grasp and eagerly cherish the shadow, while the substance passes away.

Nothing can be more hostile to the cultivation of the science of useful and effective Police, than opinions and misconceptions, operating through the medium and under the shelter of official influence.

It is to a correct and well-planned Police, and to the removal of those obstructions, which operate as a bar to its progress to maturity, that this Country is ultimately to be indebted for the security of the rights of innocence; for the preservation of life, and liberty; and the support of that excellent Constitution, which, standing on the basis of virtue and morality, is only to be rendered permanent and secure, by preserving its foundation, and by guarding it against the rapid inroads, which relaxed principles, arising from

from the sudden influx of wealth, have made upon the best interests of society.

Prejudices, when strongly rooted, produce many evils in public life, although the best intentions may exist. By indulging in habits thus prone to deceive, the understanding loses its proper tone. Deception occupies the station of truth, and the judgment is misled.—Reason loses her distinguishing faculties, —the mind becomes jaundiced, and truth is overwhelmed and enveloped in mist and darkness.

The mind of man can only be enlarged and expanded by cherishing a jealousy against the influence of prejudice, as the means of seeing things as they really are.

In discussing subjects of political œconomy, this maxim cannot be sufficiently appreciated. It directs the spirit of patriotism in the course best adapted to the interest of society; it bluntsevery species of resentment, and excites pity even for the worst and most mischievous of the human race; it excites in the mind a desire to promote amendment, rather than punishment; and to ameliorate the condition of human beings in a course of criminal turpitude, by measures of prevention, rather than by examples of severity.

A too tenacious adherence to obsolete regulations, after the causes which rendered them necessary are no longer in existence, and the reasons upon which they were founded have ceased, will ever operate powerfully as an obstruction to those beneficial

ficial arrangements in the Science of Police, which are so imperiously called for by the rapid change which is sufficiently visible in Society.

The emoluments belonging to the Corporation of London, as Conservators of the Rivers Thames and Medway, seem to arise chiefly from fines and americiaments, which must be very inconsiderable ; since in the course of a Century, only 35 different Offences are stated as having occurred, subjecting the Delinquents to punishment.^(s)

In the Statement presented by the City of London, to the Committee of the House of Commons, no emoluments are stated, but the various Rights exercised by the City of London, as Conservators of the River Thames, are in that document classed under the following Heads :

(s) See a Brief Statement of the Title of the City of London, to the Conservancy of the River Thames and Waters of Medway, delivered to the Dock Committee of the House of Commons, in 1799 ; as given in the Appendix, to the minutes of evidence before that Committee, page 92, &c.

In this Document the Corporation rest the title of the City : —1st. on the ground of *prescription*, confirmed by the confession of the Attorney-general, and the judgment of the Court of Exchequer, Trin. Term. 3. Jac. I.—2d. On *Ancient Charters*, particularly those of 8 Ric. I ; 1 John ; 11 Hen. III ; 1 Edw. III ; 3 Jac. I ; 14 Charles II.—3d. On *Acts of Parliament*, particularly 17 Ric. II. c. 9 ; 2 Hen. VI. c. 15 ; 4 Hen. VII. c. 15 ; 27 Hen. VIII. c. 18 ; 14 Geo. III. c. 91.—4th. On *Reports of Legal Determinations*, particularly in *Davis's Reports*, 56, 57 ; Siderfin, 148 ; 4th Institute, 250.—And lastly, On the *Exercise* of the Right, in a variety of instances specified.

A. D.

- I. *The right of regulating the Shipping.* {
 One instance stated to have occurred in . . . 1669
 Two in 1710
 One in 1711
 One in 1721
 One in 1728
 One in 1731
 One in 1743
- II. *The privilege of fixing Posts in the River, for the conveniency of Shipping.* {
 One instance stated to have occurred of Posts being set up near the Custom-house, at the City's expence 1553
- III. *The privilege of removing Obstructions occasioned by Wears and Steps.* {
 One instance is stated of this right being exercised in 1559
 Another instance occurs in 1612
- IV. *The right of Cleansing the River Thames.* {
 One instance occurs of this Right being exercised in the year 1617, at the expence of £.226 16 7
 Another in the year 1624.
 The same document states in general terms, "that the City of London have expended in keeping in repair, the Avenues to the River Thames, and public Stairs and Docks, and Cleansing the said River, upon an average of the last 20 years, the sum of £.6950 12 8."

V. *The*

A. D.

V. *The privilege of directing in what places, and the manner in which Ballast should be taken out of the River Thames.* { One instance occurs of this Right being exercised in 1659
No instance is stated since that remote period.

VI. *The privilege of repairing the Banks and Breaches of the River Thames.* { One instance is stated to have occurred in . . . 1672
One on complaint made to the Court in . . . 1723
One in 1725

VII. *The privilege of Licensing and permitting Wharfs, Encroachments, and other innocent Projections.* { One instance stated in the Reign of Henry VIII.
A Water-Bailiff appointed to collect Rents for Port Gallies, Stairs and Encroachments in . . . 1663
One instance to the Navy Board 1788
One to the Trinity-house 1793
One to the Victualing-board 1795

Yearly Rent.

VIII. *The privilege of receiving Rents for Projections, and for innocent Encroachments.* { Exercised in 1706 £.1 0 0
and fine of fifty guineas
Exercised in 1724 . . . 2 0 0
. . . in 1731 a Pepper-corn
. . . in 1732 . . . 4 0 0
. . . in 1745 . . . 3 0 0
. . . in 1762 . . . 15 15 0

IX. *The*

IX. *The privilege of abating, or removing Waifs, Encroaching into the River Thames.* } A. D.
 Exercised in 1621
 in 1681
 in 1684

X. *The privilege of erecting and maintaining, at the City's expence, public Stairs and Landing Places.* }
 Exercised in 1669
 in 1672

N. B. The following Stairs were erected, and continue to be repaired at the City's expence, viz.—

<i>Billingsgate</i>	<i>Allballows Stairs</i>
<i>Sab's Stairs</i>	<i>Puddle Dock Stairs</i>
<i>Summers Quay Stairs</i>	<i>Trigg Stairs</i>
<i>Temple Stairs</i>	<i>Queenhithe Stairs</i>
<i>Cousins Stairs</i>	<i>Three Crane Stairs</i>
<i>Dowgate Stairs</i>	<i>Pauls Wharf Stairs</i>
<i>Old Swan Stairs</i>	

XI. *The privilege of abating or removing Stairs and Causeways, made by Individuals.* } Exercised in 1680
 in 1681
 in 1685
 in 1698

XII. *The privilege of giving orders respecting Floats upon the River.* } Exercised in 1657
 When an order was made directing the Water-bailiff to survey the River, from time to time, and as often as he finds Timber fastened or loose, to the hinderance of the common passage of the River,

floating

XII. *(Continued.)*

floating on the same, to seize the said Timber, and convey it to the Bridge-house, or some convenient place, and to keep the same until the owner be known, and shall pay the charges ; and if no owner appears within a year and a day, then to be sold as other goods and things usually are which are found floating on the River.

XIII. *The privilege of Special Views.*

10 January, 19th of Henry VII. (1504). An Inquest was appointed of substantial persons dwelling next the Thames, betwixt the Tower and the Temple, to inquire as to Encroachments and Defaults made and done on the River Thames ; and the Aldermen of the Wards adjoining the said River and the Viewers of the Court were ordered to go with the Inquest, and view and over-see all Defaults.

N. B. No specific instance is stated of this privilege being exercised, since that period.

XIV. *The privilege of granting Licences to erect Mills and Water Works.*

Exercised in 1595
 A Floating Mill on Barges allowed 1655
 An Engine against Arundel Wall, to convey Water into Covent Garden, &c.

XV. *The*

- XV. *The privilege of holding Courts of Conservancy, and punishment of offenders.* { Exercised by the Lord Mayor, as Conservator of the River, generally twice in the year, for each of the four Counties of Middlesex, Essex, Surry and Kent.
- XVI. *The privilege of regulating the Fishery, in the Rivers Thames and Medway.* { Exercised under ancient Charters, and the more modern directions of the Act of 30 Geo. II. c. 21.

On a general review of these specific Rights and Privileges it will appear, that many of them are burdensome and expensive; and, perhaps, it may be owing to this circumstance that such a small proportion of the whole catalogue of privileges, has been exercised during a century past. The right of regulating the Shipping, appears not to have been exercised for the last 56 years, and no instance is stated of repairing Banks or Breaches in the River, since 1725.

In short, the Act of *Licencing the permission of Wharfs, Encroachments, and other innocent projections*, and of receiving Rents for such indulgences, appears to be the only privilege exercised during the present Century, in addition to the two instances already adduced; except holding Courts of Conservancy, and cleansing the River at a very great expense to the Corporation. (t) If there be no
 expence

(t) From the indistinct mode of statement, in the to Appendix, the minutes of evidence before the Wet-Dock Committee, (p. 96) it does not clearly appear whether the sum there mentioned of £.6950 12 8 was the average *annual* expence of cleansing the River, or the total amount for the last 20 years. (See *ante*, p. 312.)

adequate Fund arising from the profits of the Conservancy to meet such a heavy expence, this, like many other ancient privileges, becomes no less noxious to the respectable Body invested with this right, than it must be injurious to the Navigation of the River; since it would be the height of injustice to require the City of London to appropriate its Funds to a service, requiring a large annual disbursement of money where no benefit arises in return:— Nor is it less injurious to the Trade and Navigation of the River Thames, that so great an object as the preservation of the ancient depth of water, should depend on circumstances and arrangements so hostile to its improvement.

The functions of the Trinity-House, which will be explained in the succeeding Chapter, do not appear to extend further than raising Ballast suitable for Ships; and while no provision is made for the expence, except what arises from the Sale, it cannot be expected that the obstructions caused by an accumulation of Mud in different parts of the River, (which is unfit for ballast) can be removed by either of these Public Bodies, (the City of London, or the Trinity Corporation,) unless it can be rendered so far productive as to defray the expence; and hence arises a most important consideration in respect to this branch of the Police of this great Trading River. The evidence before the Committee of the House of Com-
 312.) It would seem not to apply to the Pool where the Ships and Vessels are moored.

mons shews, and indeed, it is admitted on all hands, that a most alarming evil exists with respect to the progressive diminution of the depth, against which there appears to be no remedy provided. If it had been so, the evil could not have increased; but as the cause is now explained, and as it is obvious that there exists no direct responsibility with respect to the preservation and security of the Navigation of the River, it would seem highly expedient that some mode should be devised before the difficulties increase.

In addition to these privileges which have been specifically detailed, the Lord Mayor and Corporation have recently had new Powers conferred, and new Duties imposed, on them by the *Wet-Dock Act* already noticed; which, proves that the privilege of regulating Vessels by the Conservator of the River, was not sufficiently defined to render it useful or efficient.

It has been already noticed, in the preceding Chapter, that in consequence of the surrender of the Mooring-Chains by the Crown and its Grantee, the Corporation are empowered to remove and alter the present *Mooring-Chains*, and place others from time to time under the inspection and approbation of the Trinity-House.

By § 78 of this Act, the Lord Mayor of London for the time being, as Conservator of the River Thames, is authorised and required from time to time, as occasion shall be, to nominate and appoint a proper person or persons, (who by § 79, must be

previously duly examined by the Trinity Corporation, and obtain a Certificate of their fitness) to execute the Office of *Harbour-Master* in the Port of London, and the Canal and other Works; (except the Docks and their Appurtenances; and except such parts of the River Thames, at *Limehouse-hole* and *Blackwall*, as shall be within the distance of 200 yards from any entrance out of the River into the Works of the West-India Dock Company.)—These Harbour-Masters may be suspended or amoved on sufficient cause, by the Corporation; and have power and authority given them, (subject to the regulations and restrictions hereafter mentioned,) to direct the Entering, Mooring and Unmooring, Moving and Removing, all Ships, Vessels, Lighters and Craft, (except those of the Trinity-house,) coming into, lying, or being in the Port of London, and in the Canal and Cuts, or any of them, (excepting the Docks and such parts of the River as were before excepted.)—Also to regulate the times and manner of their entrance into, lying in, or going out of the same; and their respective Births, Stations, Positions, Lading, and Discharging therein; and the time, or times, of opening and shutting the several Gates of the said Canal. And in case the Owner, Master, or Pilot, &c. having the charge or command of any Ship, or Vessel, shall refuse, or neglect, to Moor, or Unmoor, Move, or Remove any Ship, according to such direction, within twelve hours after notice
given

given in writing, or left with some person on board the Ship or Vessel for that purpose; then the said Harbour-Masters, and their Assistants, are required to Moor, Unmoor, Move and Remove, such Ship or Vessel; and the charges and expences thereof respectively shall be repaid, together with a sum not exceeding Ten nor less than Five Pounds for each offence, by the Master or Owner, or the person having the charge or command of such Ship; and may be recovered by the Corporation of London from the Owner of the Ship, in case of non-payment thereof, on demand; and in case any Master, Commander, Mate, Pilot, or other person, shall obstruct, or hinder, the Mooring, Unmooring, Moving, or Removing, of any Ship or Vessel in the said Port, (with the aforesaid exceptions,) such person shall forfeit a sum not exceeding Ten nor less than Five Pounds.

By § 82 it is provided, that the orders given by these Harbour-Masters, [or by the Dock-Masters, or Directors of the West-India Dock Company,] shall not diminish the responsibility of the person having charge of any Ship or Vessel.

By § 92, the Harbour-Masters are directed to observe the regulations in Statute 19 Geo. III. Cap. 58, as to the stationing of Foreign Vessels; and those in Statute 29 Geo. III. Cap. 68, as to Mooring Ships and Importing Tobacco.

By § 79, if at any time it shall be certified to the Lord Mayor of London, by three or more elder Brethren

Brethren of the Trinity-house, that any person appointed to execute the Office of Harbour-Master, has neglected his duty, or misconducted himself, such person shall be discharged, and shall be incapable of being again restored to his Office; and another shall be appointed by the Lord-Mayor.—All Harbour-Masters are directed to attend the Trinity-House whenever required, by a writing under the hands of any three or more of the elder Brethren.

By § 83, the intended Canal, Cuts, and Works, are declared to be under the protection of the Lord-Mayor, as Conservator of the River Thames, as if actually part of the River.

By § 84, the Canal, and the New Docks, &c. are declared to be parts of the Port of London; and Vessels resorting thereto, are to be subject to all Port regulations and duties.

By § 85, Goods Landed or Shipped upon or from the intended Quays, or Wharfs, in the New Docks, are declared to be subject to the same regulations, &c. as if Landed or Shipped on or from the present Legal Quays.

By § 86, the Quays in such of the Docks as shall be walled round, are declared to be Legal Quays.

By § 108, the Lord-Mayor, Aldermen, and Common-Council, are authorized to make Bye-Laws, Rules, Orders, and Regulations; for the good Government of the Harbour-Masters, and other persons, to be employed under the Act by the Corporation,—for regulating the Works, &c. authorised

to be made by them, while making, and when completed ;—for the more safe and convenient Navigating, Placing, Mooring, and Unmooring, Ships, and other Vessels, in the River Thames, &c. (Docks, &c. excepted :)—for the better Governing, and Regulating, all Masters of Vessels, Pilots, Lightermen and others, within the said Port, Canal, and its appurtenances :—for preventing damage being done to Shipping, Lighters, and Craft, or any Goods, Wares, or Merchandise, by the issuing of the Waters from Houses and Buildings ; and such other Bye-Laws as they shall deem necessary and expedient, so as the same shall not be inconsistent with this or any other Act : and also, to repeal and alter the same Bye-Laws, and to affix reasonable Penalties not exceeding Forty Shillings, for non-observance thereof. These Bye-Laws are to be printed and distributed in the Port of London :—But, (by § 111,) these Bye-Laws shall not be valid or put in force until allowed and approved of by the Lord-Chancellor, two Chief Justices of the King's-Bench and Common-Pleas, and the Lord Chief Baron of the Exchequer, or any one or more of them :—And (by § 112,) thirty days before these Bye-Laws shall be allowed by the Judges, a Copy of them is to be submitted to the Trinity-House, who may state their objections, if any, to the Lord-Mayor and Corporation ; and if not satisfied with their decision, they may then state such objections to the Judges before the said Bye-Laws are allowed.

By § 108, the penalties inflicted by these Bye-Laws, are recoverable by distress and sale, by warrant of any one Justice of the Peace, within whose jurisdiction the offences are committed; who if the penalties are not paid, may commit the Offender for twenty days, or till payment of the same.

By § 175, (which saves the rights of his Majesty and the Corporation,) the Lord-Mayor is empowered, in like manner as he hath used on other occasions, to inquire of, hear, and determine, “by presentment, or indictment, taken before him, as Conservator of the said River and Waters, all offences contrary to *this Act*, or such Bye-Laws, Rules, and Regulations, as shall be made as aforesaid; and upon conviction of the Offenders, to impose any penalty not exceeding what is inflicted by the Act, or by the Bye-Laws, for such offence.”

By § 136, “In consideration of the security, accommodation, and dispatch, which will be produced by means of the Canal, as safer and more expeditious for Ships and Vessels, than the present circuitous and dangerous passage round the Isle of Dogs; and in consideration of the great charges which will be occasioned by Maintaining, Repairing, and Improving, and Managing the said Canal, Cuts, and other Works, and by Providing and keeping a sufficient number of Lock-keepers, and other Officers and Servants, and Draught-horses, for the assistance and proper accommodation of Vessels in such passage.”—The Mayor, and Com-
 y 2 monalty,

monalty, and Citizens of London, and their Successors, (from and after the expiration of three years, next ensuing the time when the Canal shall be first ready for use, and notice shall have been given of the same in the London Gazette, and two or more public Morning News-papers usually circulated in London,) are authorised to ask, demand, take and receive, (over and above the other Tonnage Rates, made payable to His Majesty, and also the dues to the West-India Dock Company,) of and from all Ships, Vessels, and Craft, which shall enter and make use of the said intended Canal; any Rate or Rates not exceeding the following—

1. For every Ship, or Vessel, Lighter, Barge, or other Craft, Laden, or Unladen, entering the said Canal.
If of 200 Tons register Measurement, or upwards 2d. per Ton.
2. If of 100 Tons and under 200 Tons . . . 1½d. per Ton.
3. If of 50 and under 100 Tons . . . 10s. (in all.)
4. If of 20 and under 50 Tons, being Vessels carrying Sail 5s. (in all.)
5. Every Lighter, Barge, Boat, Craft, &c. which shall be rowed through the said Canal 1 Shilling;

which Rates and Duties are vested in the Mayor, Commonalty, and Citizens, and their Successors, as their own proper monies, but for the purposes of the Act; and shall be paid upon Ships, or other Vessels, entering within any Lock, or Flood-gate, of the Canal; or at such other time, as the Lord-Mayor, Aldermen,

Aldermen, and Common Council, shall appoint; and shall be paid only once for each and every transit, or passage, across the Isle of Dogs, whether upwards or downwards; and such Duties shall be paid by the Collectors into the Chamber of London.

By § 145, the Common Council are empowered to lower these Transit Rates, (on examining the accounts to be kept concerning the Canal, &c.) and again to raise them when necessary, but not beyond their original height, as before stated.

By § 157, the Chamberlain is directed to keep accounts of all receipts and disbursements to and by the City, arising as well from the said Transit Rates, as from the money directed to be advanced to them, (see Chap. X. p. 295.)

By § 159, he is also directed yearly, after the Works shall be begun, to lay before Parliament, and the Treasury, true accounts of the receipt and application of all money received by the City by virtue of this Act.

By § 155, the application of the produce of these Transit Rates, is directed to be as follows:—1st. For paying the charges incurred in collecting and receiving the same.—2d. For paying compensations for Losses, and deficiencies of Tythes, Taxes, Sewer-Rates, and other Rates and Assessments.—3d. In discharging the necessary expences of Attending, Managing, and Regulating, (after being finished,) and in Maintaining, Repairing, Preserving, and Improving, the said Canal, &c. including the charges

charges of towing Ships, and opening and shutting Flood-gates: *and lastly*, all the residue or overplus, is to be applied in creating a Fund, in aid of the said Transit Rates, in order that they may in due time be lowered.

For the transacting of all the Corporation business respecting this Act, the Common Council are authorised to appoint Committees; on which, persons interested in any Contracts, are not eligible. These Committees are empowered to contract with proper persons, (whether Freemen of London or not,) for performing the Works to be done by the Corporation: Previously to the making such Contracts, notice is to be given in the Public Papers, and all Contracts are to be signed on behalf of the Committee by their Clerk, and entered in a proper book. Finally, the Common Council and their Committees, are authorised to appoint Clerks, Collectors, Treasurers, and other Officers; with Salaries, to be paid out of the money to be received by the Corporation under the Act, and who are to give security to fulfil their respective Trusts. See the Act, § 164—168.

SUCH, on the whole, may be stated to be the Old and New Functions, (for they cannot be called privileges,) incumbent on the Lord-Mayor as Conservator of the River, and the Corporation of the City of London, to exercise and perform.

In addition to these, the Ancient Charters have placed under the same management and control, certain

certain classes of Labourers in specific branches of Commerce, who, by the appointment of the City of London, possess exclusive privileges, so far as relate to the measurement of *Coals, Grain, Salt, Fruits, Vegetables, &c.* water-borne on the Thames.

Certain other privileges also attach to the Garbling of Merchandise Imported, (except Tobacco,) and to the Package, Scavage, Balliage, and Portage of Goods, and the Package of Cloth.

420 privileged Carts, belonging to the Fellowship of Carmen, (*u*) are also regulated by the City of London, who give security, and have the exclusive privilege of acting for hire in the City. They are also compellable to do the Cartage business of the Port when called on, and are responsible for the safety of their Load, and the conduct of their Servants. They pay annually 17s. 4d. to the Governors of Christ's-Hospital for their Licence, and 23s. 6d. for every Transfer, which is generally sold for about £.100.

Tackle-house Porters, (who have about 1,500 Ticket-Porters (*x*) under them,) are also regulated by the City of London. They have the privilege of performing the labour of Unshipping, Landing, Carry-

(*u*) These are stated in the Minutes of the Dock Committee of the House of Commons, May 30, 1797, to support 600 families. This Society was instituted in 1665.

(*x*) It is stated in the same Minutes, that there are 1500 Ticket-Porters in all, who work under the Tackle-house Porters, of which, about 500 are employed in the business of the Water-side.

ing, and Housing the Goods of the South-Sea Company,—the East-India Company, and all other Goods, except from the East-Country,—the produce of the British Plantations, and Ireland, and Goods Coastwise.—They give Bond for £.500, to make restitution in case of loss or damage, and are limited to Rates settled by the City of London. In performing the labour of the Port, if Ticket-Porters are not at hand, they may employ any that offer.

The Ticket-Porters are persons appointed by the City of London, and have granted to them the exclusive privilege of unshipping, landing, and housing Pitch, Tar, Soap-Ashes, Wainscot Fir, Poles, Masts, Deals, Oars, Chests, Tables, Flax and Hemp, brought to England from the East Country; also Iron, Cordage, and Timber, and all Goods of the produce of Ireland, and the British Plantations, and all Goods Coastwise (except Lead.) They give Security in 100*l.* for Fidelity, and have their Names and Numbers on a Metal Badge.

Besides these different classes of Labourers, who enjoy exclusive privileges in the general System of Police in the River Thames, the City of London has under its Control and Regulation, the Company of Watermen, who compose a Body of about 12,000 men, about one-half of whom are employed in Lighters, Barges, Punts, Wherries, and other Boats, in assisting the Commerce as Water Carriers, or accommodating the Inhabitants at large.

An endeavour has thus been made to develop the nature and extent of the Functions of the City of London, as they relate to the Police Regulations, applicable to the Port of London and the River Thames. As they are exceedingly extended it may be useful to bring the whole under the review of the Reader, by the following

RECAPITULATION,

ENUMERATING THE DIFFERENT PRIVILEGES AND FUNCTIONS EXERCISED BY THE CITY OF LONDON, IN RESPECT TO THE RIVER THAMES AND PORT OF LONDON.

I. *Conservatorial Functions.*

- 1st. To regulate the Fisheries in the Thames and Medway, and to make Bye-Laws.
- 2d. To preserve the River from injurious Encroachments.
- 3d. To cleanse the River, and to preserve its Depth by the removal of Mud and Filth.
- 4th. To prevent and remove Nuisances and Obstructions of every kind.
- 5th. To repair Banks and Breaches in the River.
- 6th. To erect Posts for the Conveniency of Shipping.
- 7th. To maintain and keep in repair certain Public Stairs.

8th. To

- 8th. To grant Licences to erect Wharfs, Stairs, Causeways, and other innocent Projections.
- 9th. To take up and lay down Mooring-Chains for the Conveniency of Shipping.
- 10th. To appoint a Water-Bailiff to superintend the Fisheries, and to prevent Encroachments, Obstructions and other Nuisances in the River.
- 11th. To make Bye-Laws for the Regulation and the proper Birthing of Ships, Vessels, and Craft in the River Thames, and also, Rules for Harbour-Masters.
- 12th. To manage and direct all matters relative to the Canal across the Isle of Dogs, and to collect the Rates thereon.
- 13th. To appoint one or more Harbour-Masters to attend to the Birthing of Ships, and to the well-ordering of the Port.
- 14th. To hold Courts of Conservancy, for the Punishment of Offences.

II. *Functions applicable to the Trade of the Port, in Lading, Unlading, and Storing of Merchandise.*

- 1st. To regulate and control Lightermen and Watermen in the River, amounting to, from 6 to 8,000 usually employed.
- 2d. To regulate and control Tackle-House Porters, 22 in number.
- 3d. To appoint, regulate, and control Ticket Porters, for the lading and discharging of Goods, about 1500 in all.

4th. To

4th. To appoint, in conjunction with the Governors of Christ's Hospital, and to regulate and control Carroons or privileged Carts, 420 in number, to convey Merchandise to and from the Landing Places, to the Repositories of the Merchants; about 600 in all, including Servants.

III. *Functions applicable to the Measurement of Coals, Corn, Salt, Fruit, and Vegetables, imported.*

1st. To appoint sworn Meters, for measuring Coals in the Port of London, and to control and regulate, in a certain degree, this important branch of Trade.(y)

2d. To appoint Corn Meters, and to regulate and control the Importation of this important necessary of Life.

3d. To appoint Measurers for Salt, and also Fruit and Vegetables, water-borne on the Thames.

IV. *Functions applicable to the Garbling, Package, Scavage, Balliage, and Portage, of Merchandise exported and imported.*

1st. An old Law of James I. for the well-garbling of spices in London, (Stat. 1. Jac. I. cap. 19.)

(y) The directions of the Charter of 12 Jac. I. with respect to this necessary Article of Subsistence, are not unworthy attention at the present time.

being

being by length of time, found useless, if not prejudicial, was repealed, by Stat. 6 Ann. c. 16. and an equivalent was given to the City of London, for the Profits formerly made of the Garbler's Office, by laying a Tax of 40s. yearly, to be paid to the Chamberlain of London by all Brokers; nevertheless, The Lord Mayor, Aldermen, and Common Council, may still, if they think fitting, appoint a Garbler who, at the request of the Owner of any Spices or Drugs garbleable, and not otherwise, shall garble the same, at such Fees as the Lord Mayor, &c. may appoint.

2d. The privileges of the *Package* of Cloths and certain other outward-bound Goods of Foreign Merchants, Denizens or Aliens; of *Scavage* (*i. e.* Shewage or Surveying) of certain Goods imported by Foreign Merchants; of *Balliage*, or Delivery of Goods of such Merchants to be exported upon and through the River Thames, and upon any Wharf or Shore thereof; and also the *Portage* of Wool, Tin, and other Articles, (imported or exported by such Merchants,) to and from the Thames, and to and from the Warehouses of such Merchants: All these are confirmed to the City by Charter, of the 15th of September, 16 Charles II; and certain Rates and Duties are appointed by a Schedule to that Charter, to be paid accordingly. (z)

(z) These Duties are stated at length in STEEL'S *Skip-Master's Assistant*.

These Functions are of great moment, and from their accurate and proper execution, advantages of a very extensive nature are to be derived by the Community; while in the present state of Society, and from the magnitude of the Commercial Interests of the Port, infinite mischief and inconvenience must result from a relaxed or inattentive execution of the important Duties which the City of London has imposed upon itself.

To the individuals who compose the respectable Body of the Corporation of London, the utmost confidence is due, both on account of their integrity and talents; but in their private capacity no responsibility attaches, while in their Corporate Situation, the obligation to perform a Duty is considered to extend no further than to make an order, "*that it shall be carried into effect.*" Whether therefore, in the execution there is merit or demerit, is not an object of Inquiry or Cognizance, unless some gross misconduct urges a complaint or accusation. An Individual follows up his directions, and sees that they are carried pointedly into execution. Where an *onus* or responsibility rests there is Security: Where it does not, in spite of the best Guards that can be devised, and even the best and most patriotic intentions on the part of many of the Individuals, who compose great Public Bodies, relaxation will be manifest, and inconveniences will consequently be felt by the Public.

A hope

A hope however may be indulged, that from the collected view in which these important Functions have been placed, and from the great consequence of an uninterrupted conscientious execution, many worthy Members of Society, who now are or hereafter may become Members of the Corporation of London, will feel impressed with the weight of the trust committed to their charge; and by a zealous and patriotic regard to the Public Good, counteract those inconveniences and obstructions which this species of superintendance generates in this and every other Country, where Commerce is concerned.